

Wetland Board Case W-20-12/VMRC 12-0271: 217 Sherwood Forest

Staff report for the May 9, 2012 Wetland Board Public Hearing

This staff report is prepared by James City County Engineering and Resource Protection to provide information to the Wetland Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

Existing Site Data & Information

Applicant: Kenneth Parsons

Agent: Dock Masters

Location: 217 Sherwood Forest, Riverview Plantation

Parcel Identification: 1730200009

Watershed: York River (HUC Code YO65)

Proposed Activity: Construct a 48 foot low profile groin with a 16 foot spur from mean high water channelward along an existing pier to rebuild the shoreline after significant erosion.

Project Discussion

Dock Masters, on behalf of Mr. Kenneth Parsons, has applied for a Wetlands Permit to construct a 62 foot groin with a 16 foot spur on property located at 217 Sherwood Forest, directly on the York River. The property is further identified as JCC Parcel Number 1730200009. Forty-eight feet of the proposed groin are between mean high and mean low water, the remaining fourteen feet is located landward of mean high water. This case was deferred from the April 11, 2012 wetlands board meeting.

Several site visits were conducted by staff to document and evaluate both the potential scope of the project and the existing conditions. An additional site visit was conducted on March 26, 2012 to discuss the project with Mr. Parsons.

The stated purposes of the project are to rebuild the shoreline and prevent the loss of the shoreward end of the pier. The Joint Permit Application states further that no adverse environmental impacts are anticipated for this project. In email correspondence with Karen Duhring, VIMS, the single groin will not significantly alter the existing conditions as there is not enough available sand in the system because the shoreline in proximity to the project is dominated by tidal marshes. It is her opinion that multiple groins in this location will not have the desired effect upon the shoreline and pier.

The wetlands that are present in the impact zone are Type XIV Sand Flat Community wetlands with a very important habitat value as nursery and feeding area for fishes and blue crabs and important

shorebird feeding area. The overall ecological value of this community type is slightly below beaches, oyster reefs and Saltmarsh Cordgrass marshes.

The project proposes to construct a 48 foot long groin between mean high and mean low water plus an additional 14 feet landward of mean high water which will impact approximately 62 square feet of the above described wetland system.

As an alternative, a rock sill that ties into the adjacent sill project was discussed during the March 26, 2012 meeting with Mr. Parsons. A revetment was also discussed at this time, potentially tying into the adjacent revetment.

Mitigation Discussion

As published in the Virginia Register on July 11, 2005, the revised Wetland Mitigation Compensation Policy and Supplemental Guidelines, Regulation 4VAC 20-390-10 et seq., Virginia, as a Chesapeake Bay Program partner, is committed to “achieve a no-net loss of existing wetlands acreage and function in the signatories’ regulatory programs.” In order for a proposed project to be authorized to destroy wetlands and compensate for the wetland loss in some prescribed manner, the following three criteria must be met:

1. All reasonable mitigative efforts, including alternative siting, which would eliminate or minimize wetland loss or disturbance must be incorporated in the proposal; and
2. The proposal must clearly be water dependant in nature; and
3. The proposal must demonstrate clearly its need to be in the wetlands and its overwhelming public and private benefits.

If the proposed project cannot meet one or more of the above criteria, the project must be denied or must occur in areas outside of wetlands. Should it satisfy all three criteria, however, compensation for the wetland loss is required. The sequence of acceptable mitigation options should be as follows: on-site, off-site within the same watershed, mitigation bank(s) in the same watershed, or a payment of an in-lieu fee. If compensation is required, it should be a condition of the permit.

As stated earlier, this project will impact 62 square feet of Type XIV Sand Flat Community wetland. Staff does not believe that the three criteria outlined above have been met, with a rock sill and/or revetment being viable alternatives.

Staff Recommendations

Staff recommends **denial** of the application. Should the Board wish to approve the application, staff suggests the following conditions be incorporated into the approval:

1. The applicant must obtain all other necessary local, state, and/or federal permits required for the project.
2. Prior to any land disturbing activities, a pre-construction meeting will be held on-site.
3. Mitigation payment into a mitigation bank or in-lieu fee payment for 62 square feet of tidal wetlands and evidence of payment presented to the Engineering and Resource Protection Division Director prior to the pre-construction meeting.
4. The Engineering and Resource Protection Division Director reserves the right to require

additional erosion and sediment control measures, including a turbidity curtain, for this project if field conditions warrant their use.

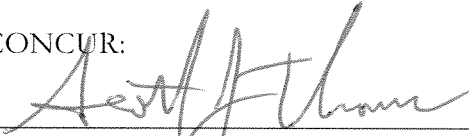
5. The limits of work shall be flagged in the field prior to the pre-construction meeting.
6. The wetlands permit for this project shall expire on May 9, 2013. If an extension of the permit is needed, a written request shall be submitted to the Engineering and Resource Protection Division no later than two weeks prior to the expiration date.

Staff Report prepared by:



Michael D. Woolson
Senior Watershed Planner

CONCUR:



Scott J. Thomas, Director
Engineering and Resource Protection

Attachments: Joint Permit Application
Site Photos
Historic shoreline photos
Karen Duhring (VIMS) email